

JUN 8 2018

David J. Bradley, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

Raymond C. HERRERA

CRIMINAL COMPLAINT

Case Number: 2:18mj1405

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about June 6, 2018 in Brooks County, in the Southern District of Texas defendant, **Raymond C. HERRERA**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent **Antonino Gonzalez Jr.**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Sworn to before me and signed in my presence, and probable cause found on the:

June 8, 2018 1:50 pm
Date
B. Janice Ellington, U.S. Magistrate Judge
Name and Title of Judicial Officer

at

Antonino Gonzalez Jr.
Signature of Complainant
Antonino Gonzalez Jr.
Printed Name of Complainant
Corpus Christi, Texas
City and State
[Signature]
Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

SYNOPSIS:

On June 6, 2018, Border Patrol Agents arrested Raymond C. HERRERA at the Falfurrias Border Patrol Checkpoint near Encino, Texas for attempting to smuggle an illegal alien concealed in the trunk of the vehicle he was driving.

FACTS/DETAILS:

At approximately 8:50 p.m., a white Dodge Dart arrived at the Falfurrias Border Patrol Checkpoint primary inspection lane. The Border Patrol Agent (BPA) assigned to the primary conducted an immigration inspection of the driver (later identified as Raymond C. HERRERA). During the inspection, the agent noticed HERRERA was exhibiting nervous behavior, HERRERA's posture was rigid and he was shifting in his seat. The agent asked HERRERA if was a United States Citizen and he shifted around in his seat more as he stated "Yes". The agent asked HERRERA for identification, as he handed it to the agent his hands were shaking. HERRERA's movements and uneasy posture raised the agent's suspicion even more and the vehicle was referred to the secondary inspection area for further inspection.

The primary agent went into the Border Patrol Checkpoint to run records checks on HERRERA. A Border Patrol Agent Canine handler approached the secondary inspection area to ask about the situation when his canine alerted to the trunk. HERRERA was asked to exit his vehicle and move to designated waiting area. The handler conducted a systematic search of the vehicle and the canine alerted to the trunk again. The trunk was opened and an adult male subject was found. The subject (later identified as Francisco RUIZ-Garcia) was determined to be a citizen and national of Mexico illegally present in the United States.

HERRERA was arrested for alien smuggling and RUIZ was arrested for being illegally present in the United States. Both subjects were escorted into the Border Patrol Checkpoint for processing and interviewing.

HERRERA was advised of his Miranda Rights and he stated he understood them and he was willing to make a statement without the presence of an attorney.

HERRERA stated he drove from San Antonio, Texas to Edinburg, Texas to visit his "Side Chick" (female friend). He stated he left San Antonio, Texas at approximately 9:00 a.m. and arrived at the Red Roof Inn in Edinburg, Texas at approximately 1:00 p.m. HERRERA stated his female friend canceled their plans so he just stayed in his hotel room until 6:00 p.m. He stated he went to a Stripes convenience store to put gas then returned to the hotel to gather his belongings and checked out. HERRERA stated he then went to a Burlington Clothing store and purchased a shirt and hat for himself and a 5X shirt. He stated the 5X shirt was for his brother

whom he claims weighs about 400 pounds. HERRERA stated he departed the Burlington Clothing store at about 7:00 p.m. and was headed back to San Antonio, Texas. HERRERA stated he had no idea how the subject got into the trunk of his car. HERRERA stated he always leaves his car unlocked due to problems with his key fob.

NOTE: A Jim Wells County Deputy encountered HERRERA on a traffic stop on June 2, 2018, two subjects were found hidden in the trunk of the vehicle. The Deputy was unable to get Border Patrol to respond to the scene of the stop and released all three subjects.

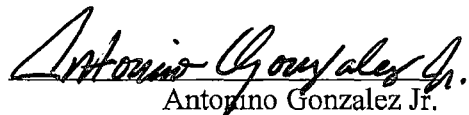
Francisco RUIZ-Garcia was advised of his Miranda Rights, he stated he understood his right and he was willing to make a statement without the presence of an attorney.

RUIZ stated he entered illegally into the United States on or about June 4, 2018, near Hidalgo, Texas. He stated he paid \$8,500.00 to be smuggled to Chicago, Illinois. RUIZ stated he was taken to a hotel where he stayed until June 6, 2018. Then he was picked up by an unknown male and driven to shopping plaza where the white car he was encountered in was already parked. RUIZ stated the unknown male open the trunk to the white car and told him to get in. He said he didn't see and one other than the man who told him to get into the trunk. RUIZ stated after the man closed the trunk he waited for about 10 minutes then heard someone get into the car, it turned on then he felt it travel until it arrived at the Border Patrol Checkpoint where agents rescued him from the trunk.

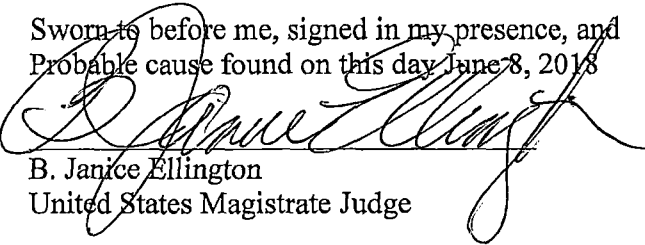
NOTE: The temperature in the trunk at the time RUIZ was encountered read 91 degrees Fahrenheit.

DISPOSITION:

The facts of this case were presented to Assistant United States Attorney Michael Hess who accepted Raymond C. HERRERA for prosecution of 8 USC 1324, Alien Smuggling. Francisco RUIZ-Garcia will be held as a Material Witness.


Antonio Gonzalez Jr.
Border Patrol Agent

Sworn to before me, signed in my presence, and
Probable cause found on this day June 8, 2018


B. Janice Ellington
United States Magistrate Judge